

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAIMI SHOAGA,

Plaintiff,

v.

CITY OF STOCKTON, *et al.*,

Defendants.

Case No. 2:21-cv-01954-KJM-JDP (PS)

ORDER

DENYING PLAINTIFF'S APPLICATIONS
TO PROCEED *IN FORMA PAUPERIS* AND
MOTION FOR CLARIFICATION ARE
DENIED

DIRECTING THE CLERK OF COURT TO
ISSUE SUMMONS FOR THE DEFENDANTS
AND DIRECTING PLAINTIFF TO
COMPLETE SERVICE UPON THEM

ECF Nos. 2, 5, & 6

Plaintiff, proceeding pro se, initially sought to proceed *in forma pauperis*. ECF Nos. 2 & 5. Before those motions were adjudicated, however, he tendered the filing fee. Accordingly, I will deny his applications to proceed *in forma pauperis*, ECF Nos. 2 & 5, as unnecessary. I have also reviewed plaintiff's motion for clarification, ECF No. 6, wherein he mentions another case filed in an appellate court in San Francisco and he inquires whether the court has "mistaken" the two cases, *id.* at 1. I am unaware of plaintiff's cases filed in other courts. This case will proceed based on this order and the directions herein should prove clarifying. Accordingly, I will deny the motion for clarification.

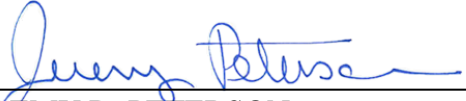
1 In light of plaintiff's payment of the filing fee, his amended complaint is no longer subject
2 to screening under 28 U.S.C. § 1915(e). *See Ohan v. Am. Med. Ass'n*, 2023 U.S. Dist. LEXIS
3 155854, *2 (D. Alaska July 19, 2023) ("Plaintiff has paid the filing fee and non-prisoner
4 complaints are not subject to 28 U.S.C. § 1915(e) or 1915A screening requirements."). Thus, I
5 will direct the Clerk of Court to issue summons to the defendants. Plaintiff is directed to
6 complete service upon the defendants, and I will extend the deadline for doing so. Under Federal
7 Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 days after the complaint is
8 filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action
9 without prejudice against that defendant or order that service be made within a specified time."
10 Fed. R. Civ. P. 4(m). However, "if the plaintiff shows good cause for the failure, the court must
11 extend the time for service for an appropriate period." *Id.* Given that summons did not issue at
12 the time plaintiff paid the filing, I find good cause to extend the time for completing service. It
13 must be accomplished within ninety days of this order's issuance.

14 Accordingly, it is ORDERED that:

- 15 1. Plaintiff's applications to proceed *in forma pauperis*, ECF Nos. 2 & 5, and motion
16 for clarification, ECF No. 6, are denied.
- 17 2. The Clerk of Court shall issue summons for the defendants.
- 18 3. Plaintiff is directed to serve all defendants within ninety days of this order's entry.
- 19 4. Failure to do so may result in a recommendation that any unserved defendants be
20 dismissed without prejudice for failure to timely effect services of process.

21 IT IS SO ORDERED.
22

23 Dated: January 9, 2024

24 
25 JEREMY D. PETERSON
26 UNITED STATES MAGISTRATE JUDGE
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